

Message Text

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ACTION L-03

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FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 3236

LIMITED OFFICIAL USE KUALA LUMPUR 2459

FOR L/PM

E.O. 11652: N/A

TAGS: PGOV, PFOR, MY

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS: FOREIGN
LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 94697

1. FOLLOWING ANSWERS ARE KEYED TO QUESTIONS REFTEL:

-A, C AND F: YES. THESE PRACTICES ARE COVERED UNDER THE
PREVENTION OF CORRUPTION ACT, 1961 (REVISED 1971) AND THE
EMERGENCY (ESSENTIAL POWERS) ORDINANCE NO. 22, 1970.

-B: NO. THE PRIME MINISTER SAID IN PARLIAMENT ON APRIL 15,
"WHEN A MINISTER OR A DEPUTY MINISTER IS APPOINTED HE IS
REQUIRED TO FURNISH IN CONFIDENCE TO THE PRIME MINISTER
A LIST OF HIS BUSINESS ENTERPRISES AND INTERESTS." THIS
DOES NOT APPLY TO OTHER GOM OFFICIALS. REGARDING A
SUGGESTION IN PARLIAMENT THAT THE ASSETS OF THE MINISTERS,
DEPUTY MINISTERS AND PARLIAMENTARY SECRETARIES BE SUBMITTED
ANNUALLY TO THE PRIME MINISTER, HE SAID, "I THINK IT IS NOT
IN THE PUBLIC INTEREST TO HAVE IT." THERE ARE NO LAWS OR
REGULATIONS REQUIRING DISCLOSURE OF PAYMENTS MADE TO OR
FOR THE BENEFIT OF GOVT. OFFICIALS.

-D AND E: NO.

2. SUMMARIES OF PERTINENT LAWS ARE:

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A. PREVENTION OF CORRUPTION ACT 1961 (REVISED 1971)

(1) ANY PERSON WHO SHALL BY HIMSELF OR IN CONJUNCTION WITH ANY OTHER PERSON CORRUPTLY GIVE, PROMISE, OR OFFER TO ANY PERSON ANY GRATIFICATION AS AN INDUCEMENT TO OR REWARD FOR, OR OTHERWISE ON ACCOUNT OF ANY MEMBER, OFFICER, OR SERVANT OF A PUBLIC BODY TO DO ANYTHING IN RESPECT OF ANY MATTER IN WHICH THE PUBLIC BODY IS CONCERNED SHALL BE GUILTY OF AN OFFENSE.

(2) A PERSON WHO WITH INTENT TO OBTAIN FROM ANY PUBLIC BODY A CONTRACT FOR PROVIDING WORK OFFERS ANY GRATIFICATION TO ANY PERSON WHO HAS MADE A TENDER AS AN INDUCEMENT FOR HIS WITHDRAWING THE TENDER SHALL BE GUILTY OF AN OFFENSE.

(3) ANY PERSON WHO OFFERS TO A MEMBER OF PARLIAMENT OR A STATE LEGISLATIVE ASSEMBLY ANY GRATIFICATION FOR HIS DOING ANY ACT, VOTING OR ABSTAINING FROM VOTING, OR AIDING TO PROCURING OR PREVENTING THE PASSAGE OF ANY VOTE IS GUILTY OF AN OFFENSE.

B. EMERGENCY (ESSENTIAL POWERS) ORDINANCE NO. 22, 1970.

(1) ANY MEMBER OF THE ADMINISTRATION OR ANY MEMBER OF PARLIAMENT OR THE STATE LEGISLATIVE ASSEMBLY OR ANY PUBLIC OFFICER WHO COMMITS ANY CORRUPT PRACTICE SHALL BE GUILTY

OF AN OFFENSE.

(2) "CORRUPT PRACTICE" IS DEFINED AS ANY ACT DONE BY ANY MEMBER OR OFFICIAL WHEREBY HE HAS USED HIS PUBLIC POSITION OR OFFICE FOR PECUNIARY OR OTHER ADVANTAGE.

3. COPIES OF ABOVE LAWS BEING POUCHED TO L/PM.

4. COMMENT. THERE ARE NO CONFLICT OF INTEREST LAWS IN MALAYSIA. IT IS COMMON PRACTICE FOR TOP GOVT. OFFICIALS TO BE INVOLVED IN PRIVATE BUSINESSES.
UNDERHILL

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